

# **FACT SHEET AND QUESTIONS AND ANSWERS ABOUT BULL TROUT**

## **Description of the species:**

Bull trout are members of the char subgroup of the salmon family. They require very cold, clean water to thrive and are excellent indicators of water quality and stream health. Char have light-colored spots on a darker background, reversing the dark-spots-on-light-background pattern of trout and salmon. Bull trout have a large, flattened head and pale-yellow to crimson body spots on an olive green to brown background.

## **Life history:**

Some bull trout populations are migratory, spending portions of their life cycle in larger rivers or lakes before returning to smaller streams to spawn, while others complete their entire life cycle in the same stream. Some bull trout in the Coastal-Puget Sound population migrate between fresh water and the marine environment.

Bull trout can grow to more than 20 pounds in lake environments and live up to 12 years. Under exceptional circumstances, they can live more than 20 years.

## **Range:**

In the Columbia River Basin, bull trout historically were found in about 60 percent of the basin. They now occur in less than half of their historic range. Populations remain in portions of Oregon, Washington, Idaho, Montana and Nevada. In the Klamath River Basin, bull trout occur in 21 percent of their historic range.

## **Threats to bull trout:**

Bull trout have declined due to habitat degradation and fragmentation, blockage of migratory corridors, poor water quality, past fisheries management, and the introduction of non-native species such as brown, lake and brook trout. While bull trout occur over a large area, their distribution and abundance has declined and several local extinctions have been documented. Many of the remaining populations are small and isolated from each other, making them more susceptible to local extinctions.

## **Q. What action is the Fish and Wildlife Service taking?**

A. The Service is designating critical habitat for the bull trout (*Salvelinus confluentus*), a threatened species protected under the federal Endangered Species Act, throughout its range in the lower 48 states.

## **Q. Why is the Service designating critical habitat?**

A. In January 2002, the Service and the Alliance for the Wild Rockies and Friends of the Wild Swan reached a court settlement establishing a schedule for the proposal of critical habitat for bull trout. The two environmental groups sued the Service for not designating critical habitat after listing bull trout in 1999 as threatened throughout its range in the lower 48 U.S. states. At the time, the Service had been unable to complete critical habitat determinations because of budget constraints.

**Q. What is critical habitat?**

A. Critical habitat is a term in the Endangered Species Act. It designates geographic areas that contain features essential for the conservation of a threatened or endangered species and require special management considerations or protection. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government or public access to private lands. Critical habitat has no regulatory impact on private landowners taking actions on their land, unless they are doing something that requires federal funding, authorization or permits. However, landowners must consult with the Service before taking actions on their property that could harm or kill bull trout or destroy their occupied habitat, regardless of whether critical habitat has been designated.

Critical habitat is determined after taking into consideration the economic impact it could cause, as well as any other relevant impacts. The Secretary of the Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

**Q. What is being designated as critical habitat for bull trout?**

A. We are designating approximately 3,780 miles of streams and 110,364 acres of lakes and reservoirs in Oregon, Washington, Idaho and Montana as critical habitat for the bull trout, a threatened species protected under the Endangered Species Act (ESA). In Washington, 966 miles of marine shoreline are also being designated.

By state, the designation includes approximately:

- **Idaho:** 293 stream miles and 27,296 acres of lakes or reservoirs
- **Montana:** 1,058 stream miles and 31,916 acres of lakes or reservoirs
- **Oregon:** 911 stream miles and 24,610 acres of lakes or reservoirs
- **Washington:** 1,519 stream miles, 26,542 acres of lakes or reservoirs, and 966 miles of marine shoreline

**Q. How many stream miles and acres of lakes or reservoirs are being designated in each critical habitat unit?**

Stream/shoreline distance (mi/km) designated as bull trout critical habitat by critical habitat unit:

CH Unit	Stream/Shoreline Miles	Stream/Shoreline Kilometers
1. Klamath River Basin	50	80
2. Clark Fork River Basin	1,136	1,828
3. Kootenai River Basin	56	91
4. Willamette River Basin	111	178
5. Hood River Basin	30	48
6. Deschutes River Basin	50	80
9. Umatilla-Walla Walla River Basins	218	350
10. Grande Ronde River Basin	308	496
11. Imnaha-Snake River Basins	92	148
12. Hells Canyon Complex	125	202

13. Malheur River Basin	38	60
14. Coeur d'Alene Lake Basin	122	197
19. Lower Columbia River Basin	94	152
20. Middle Columbia River Basin	188	302
22. Northeast Washington River Basins	25	40
23. Snake River Basin in Washington	68	109
25. Snake River	17	27
27. Olympic Peninsula	388	624
27. Olympic Peninsula (Marine)	406	653
28. Puget Sound	646	1,039
28. Puget Sound (Marine)	560	902
29. Saint Mary - Belly	36	59
Total	4,746	7,639

Acres of reservoirs or lakes designated as bull trout critical habitat by critical habitat unit.

CH Unit	Acres	Hectares
1. Klamath River Basin	24,610	9,959
2. Clark Fork River Basin	26,425	10,694
3. Kootenai River Basin	1,384	560
6. Deschutes River Basin	2,713	1,098
14. Coeur d'Alene Lake Basin	27,296	11,046
27. Olympic Peninsula	3,565	1,443
28. Puget Sound	22,977	9,299
29. Saint Mary - Belly	4,107	1,662
Total	110,364	44,663

#### **Q. What counties are the critical habitat designations in?**

A. The following counties have some areas designated as critical habitat for bull trout:

- **Idaho:** Adams, Benewah, Bonner, Boundary, Kootenai, Nez Perce, Shoshone, Washington
- **Montana:** Deer Lodge, Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Mineral, Missoula, Powell, Ravalli, Sanders
- **Oregon:** Baker, Crook, Deschutes, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lane, Sherman, Umatilla, Union, Wallowa, Wasco
- **Washington:** Asotin, Benton, Clallam, Clark, Columbia, Cowlitz, Garfield, Grays Harbor, Island, Jefferson, King, Kittitas, Klickitat, Mason, Pend Oreille, Pierce, Skagit, Skamania, Snohomish, Stevens, Thurston, Walla Walla, Whatcom, Whitman, Yakima

**Q. What water bodies are included in the critical habitat designation?**

A. For details on designated water bodies please see the Final Rule, beginning on page 261.

**Q. Is the land adjacent to the waterways included in the critical habitat designation?**

A. The critical habitat designation applies only to the stream channel as defined by its ordinary high-water line as defined by the U.S. Army Corps of Engineers in 33 CFR 329.11. In areas for which high-water has not been defined, the width of the stream channel is defined by its bank-full elevation. The critical habitat designation does not extend to the floodplain or the adjacent land.

Bank-full elevation is the level at which water begins to leave the stream channel and move into the floodplain. This is reached at a discharge which generally recurs at 1- to 2-year intervals. The critical habitat designation extends from the bank-full elevation on one side of the stream to the bank-full elevation on the opposite side. Even though the floodplain or the adjacent land may not be designated as critical habitat, effects to these areas are likely to be evaluated during the consultation process, if there is a federal nexus, due to the indirect effect that upland actions may have on identified Primary Constituent Elements for bull trout.

**Q. What is the ownership of the land adjacent to the areas being designated as critical habitat?**

A. The land ownership includes:

- Federal: 538 miles
- Federal/Private mixed: 24 miles
- Federal/State mixed: 6 miles
- Federal/Tribal mixed: 1 mile
- Private: 3,587 miles
- State/Local Government mixed: 347 miles
- State/Private mixed: 69 miles
- Tribal: 209 miles
- Tribal/Private mixed: 31 miles
- Tribal/State mixed: 1 mile

**Q. Why is so much of the designation in areas where the adjacent land is privately owned?**

A. In determining what should be designated as critical habitat for bull trout we evaluated areas with the physical and biological features necessary to the conservation of bull trout and then excluded those areas where existing conservation agreements, plans or rules address the bull trout's conservation needs or where the Secretary of Interior determined that the benefits of exclusion outweighed the benefits of inclusion. The areas in the final designation are those areas where we were unable to find conservation plans or agreements to conserve bull trout habitat but that contain the physical and biological features necessary to the conservation of bull trout.

**Q. Does that mean those landowners will have to develop conservation plans?**

A. No. The designation will not affect landowners who don't have a federal nexus such as a permit or funding.

**Q. How did the Service determine what should be designated as critical habitat for bull trout?**

A. To be included as critical habitat, an area had to currently be occupied (as documented within the last 20 years) and provide one or more of the following functions: (1) spawning, rearing, foraging, or over-wintering habitat to support essential existing bull trout local populations; (2) movement corridors necessary for maintaining essential migratory life-history forms; and/or (3) suitable habitat that is considered essential for recovering existing local populations that have declined or that need to be re-established to achieve recovery. Identification of these areas was based on the existence of primary constituent elements.

Primary constituent elements are physical and biological features that are essential to the conservation of the species. These include, but are not limited to: space for individual and population growth and for normal behavior; food, water, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing of offspring; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species. All the areas proposed as critical habitat for bull trout are within the historic geographic range of the species and contain enough of these physical or biological features (primary constituent elements) essential to the conservation of the species for the species to be able to carry out normal biological function.

Critical habitat for bull trout was delineated based on interpretation of the multiple sources of information available during the preparation of this rule, including the StreamNet GIS (Geographic Information System) database for Idaho, Oregon, Washington, and Montana and State databases of bull trout distribution.

The final designation recognizes the ongoing efforts of federal agencies, states, tribes and private landowners to protect, restore and maintain aquatic habitat within the range of the bull trout. The final designation also recognizes that adding a critical habitat designation to much of the area would have little additional positive effect on activities designed to protect and restore bull trout habitat.

**Q. Are you designating any areas where bull trout don't currently occur?**

A. No. The Service is only designating occupied areas (as documented within the last 20 years) that currently have primary constituent elements essential to the conservation of the species and that require special management.

**Q. How is this final critical habitat designation different from earlier proposals and the 2004 final designation of critical habitat in the Columbia and Klamath river basins?**

A. The final critical habitat designation contains numerous changes that are the result of the Department of the Interior's recognition of ongoing conservation activities, laws and regulations. Areas where there is existing management sufficient to protect bull trout habitat and where additional regulatory control would add little benefit were not included in the final proposal. As always, the designation seeks to encourage voluntary conservation efforts by exempting Habitat Conservation Plans, conservation agreements, Section 6 Agreements and other voluntary conservation vehicles. Voluntary conservation agreements can provide more protection and

benefit to species than can be accomplished with rigid regulatory rules by promoting cooperative conservation among federal and non-federal partners. Some examples of areas excluded because of existing conservation efforts include the Northwest Forest Plan, the Washington State Forest Lands Habitat Conservation Plan and the Idaho Snake River Basin Adjudication Agreement.

The rule also recognizes ongoing conservation efforts resulting from other statutes or regulatory schemes. For example, the Federal Columbia River Power System is governed by two federal statutes that protect wildlife, and 11 federal agencies have responsibility for managing various portions of the system. In 2002, GAO estimated that \$3.3 billion had been spent in the past 20 years on restoration of salmon habitat in the system. The U.S. Fish and Wildlife Service's economic analysis estimated that 2/3 of every salmon expenditure benefits bull trout. It is clear that ongoing activities are resulting in conservation activities and that expenditures by these agencies should be focused on conservation efforts rather than the administrative costs of an additional consultation burden resulting from a critical habitat designation.

Two other examples of existing regulatory activities resulting in on-the-ground protections are the Northwest Forest Plan and the PACFISH/INFISH guidelines. The NW Forest Plan provides protections to the lands surrounding bull trout stream reaches and the streams themselves. PACFISH/INFISH was originally implemented as an interim measure and nine years later are still being implemented in a manner that is highly protective of bull trout habitat.

The conservation benefits of the combined efforts of those implementing the laws and regulations governing the Federal Columbia River Power System, the Northwest Forest Plan and PACFISH/INFISH are recognized in this rule.

In developing the final designation, the Service made revisions based on our review of public comments, the draft economic analysis and further evaluation of existing protections in areas proposed as critical habitat. These revisions rely on legal authorities and requirements provided in the Endangered Species Act (ESA). In crafting the ESA, Congress provided guidance for the exercise of discretion by the Secretary of the Interior in making critical habitat decisions, which has been applied in this rulemaking.

Technical comments from local, state and federal agencies and Native American tribes were very useful in focusing the proposals to those areas most essential to the conservation of the species. The Service removed areas that after additional study were determined not to contain the necessary elements needed to conserve bull trout. The Service also removed areas not known to be occupied by bull trout and excluded areas that are covered by the following types of plans:

- 1) Legally operative Habitat Conservation Plans (HCPs) that cover bull trout;
- 2) Draft HCPs that cover bull trout and have undergone public review and comment;
- 3) Tribal conservation plans that provide protections and special management for bull trout;
- 4) State conservation plans that provide protections and special management for bull trout;
- 5) National Wildlife Refuge System Comprehensive Conservation Plans;
- 6) Conservation efforts of federal agencies, tribal governments, businesses, organizations or individuals that positively affect the species' status.

In some cases, areas that were excluded in the 2004 final critical habitat designation for bull trout in the Columbia River Basin were included in the 2005 designation. An example is Montana, where no critical habitat was designated in 2004.

By state, the changes are:

State	Proposed CH	Final CH 2004	Final CH 2005
Idaho	8,958 stream miles/ 205,639 acres lakes and reservoirs proposed in 2002 in Columbia River Basin; 38 stream miles proposed in 2004 for the Idaho portion of Jarbidge River watershed	306 stream miles/ 27,296 acres lakes and reservoirs designated in Columbia River Basin	293 stream miles/ 27,296 acres lakes and reservoirs designated in Columbia River Basin; no critical habitat designated in the Jarbidge River watershed.
Montana	3,319 stream miles/ 217,577 acres lakes and reservoirs proposed in 2002 for upper Columbia River Basin; 88 stream miles/6,295 acres lakes and reservoirs proposed in 2004 for Saint Mary-Belly watershed	No critical habitat designated for upper Columbia River Basin	1,058 stream miles/31,916 acres lakes and reservoirs designated for upper Columbia River Basin and Saint Mary-Belly watershed
Oregon	3,687 stream miles/ 78,609 acres lakes and reservoirs proposed in 2002 in Columbia and Klamath river basins	706 stream miles/ 33,939 acres lakes and reservoirs designated in Columbia and Klamath river basins	911 stream miles/ 24,610 acres lakes and reservoirs designated in Columbia and Klamath river basins
Washington	2,507 stream miles/ 30,896 acres lakes and reservoirs proposed in 2002 for Columbia River Basin; 2,290 stream miles/52,540 acres lakes and reservoirs and 985 miles of marine shoreline proposed in 2004 for Coastal-	737 stream miles designated in the Columbia River Basin	1,519 stream miles/ 26,542 acres lakes and reservoirs and 966 miles of marine shoreline designated in Columbia River Basin and Coastal- Puget Sound

	Puget Sound		
Nevada	93 stream miles proposed in 2004 in the Nevada portion of the Jarbidge River watershed		No critical habitat designated

**Q. Why isn't critical habitat being designated for the Jarbidge River population of bull trout in Nevada?**

A. The Secretary of Interior, in exercising her discretion for exclusions of the critical habitat under section 4(b)(2) of the Endangered Species Act, has withdrawn the Jarbidge River Unit from the final critical habitat designation. The exclusion was based on current land use management protection by the Forest Service and Bureau of Land Management through the adoption of the Interim Strategy for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana and portions of Nevada, commonly known as INFISH, for protection of native fish habitat. The exclusion also eliminated State managed and private lands, citing continuing improvement of partnerships with local officials and private landowners is of greater benefit to the conservation of the species.

**Q. How will bull trout benefit from having critical habitat designated?**

A. A critical habitat designation signals that an area is important to the conservation of a species and may inform federal, state, tribal and local land use planning decisions. Critical habitat receives protection under Section 7 of the Endangered Species Act through the prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded or authorized by a federal agency or occurring on federal land. Consultation under Section 7 of the Act does not apply to activities on private or other non-federal lands that do not involve a federal nexus such as funding or permits.

**Q. Who will be affected by a critical habitat designation?**

A. Federal agencies are required to consult with the Service on actions they carry out, fund or authorize that might affect critical habitat. It is important to note that in most cases, this is already occurring under the section 7 interagency consultation requirements of the Endangered Species Act. Non-federal entities, including private landowners, that may also be affected could include, for example, those seeking a U.S. Army Corps of Engineers 404 permit under the Clean Water Act to build an in-water structure; those seeking federal approval to discharge effluent into the aquatic environment; or those seeking federal funding to implement land management practices where such actions affect the aquatic environment that has been designated as critical habitat. But again, in most cases where this link exists between activities on private lands and federal funding, permitting, or authorization, consultation under section 7 of the Endangered Species Act is already occurring in areas where bull trout are found.

**Q. Who will not be affected?**

A. A critical habitat designation does not affect non-federal entities when there is not a federal nexus. For example, swimming, boating, fishing, farming, ranching, or any of a range of



activities normally conducted by a landowner or operator of a business not involving federal funding, permitting, or authorization in order to occur would not be affected.

**Q. What effect will a critical habitat designation have on fire suppression activities?**

A. None. Fire suppression activities are generally treated as emergencies. The Endangered Species Act section 7 regulations provide for expedited consultation procedures during emergencies. Through this expedited process, emergency response is not delayed or obstructed because of ESA considerations. During the actual suppression of the wildland fire, consultation is conducted informally, in a manner that allows the Federal agency to respond to the emergency while incorporating measures for minimizing impacts on protected species and critical habitat into its response, as time and the situation permit. Once the emergency is under control, the Federal agency would initiate formal consultation, using normal consultation procedures.

**Q. Will a critical habitat designation affect water rights or usage?**

A. It will not affect water rights. In cases where irrigation is provided through a Federal agency, such as the Bureau of Reclamation, that agency would have to consult with the Fish and Wildlife Service to determine whether water withdrawals would adversely impact bull trout critical habitat. However, it is important to note that most of these types of projects already are being reviewed under the section 7 interagency consultation requirements of the Endangered Species Act and in most cases where an adverse modification determination is made, a jeopardy determination would also be made. Therefore, most Reasonable and Prudent alternatives that might affect water usage would be the result of the species listing and not the critical habitat designation.

**Q. Will a critical habitat designation impact the use of land adjacent to the designated waterways?**

A. Possibly. If the adjacent land is federal or the land is private but has a federal nexus such as funding or permits, the proposed land use activity would be assessed for its potential impacts on bull trout critical habitat in the aquatic environment through consultation with the federal agency. Most of these types of projects already are being reviewed under the section 7 interagency consultation requirements of the Endangered Species Act.

**Q. How long does a critical habitat designation remain in effect?**

A. A critical habitat designation remains in effect until the species is considered to be recovered, and is de-listed from the list of threatened or endangered species.

**If you have more questions, please call or write:**

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